IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 6727 of 2007(A)

PETITIONER:

PRATHIBHA MAHILA SAMAJAM,
(REG.NO.104/79), REPRESENTED BY SECRETARY,
SAROJINI GANESH, SANKARAMPADI P.O., VIA-CHENGALA,
KASARAGOD.

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENTS:
----

1. KUTTIKOL GRAMA PANCHAYATH, REP. BY
ITS SECRETARY, KUTTIKOL P.O., KASARAGOD.

2. DISTRICT COLLECTOR,
KASARAGOD.

BY ADV. SRI.ASOK M.CHERIAN
SRI.K.V.VINOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS.C.KURIAKOSE .J

W.P.(C) No.6727 of 2007

Dated this the 27th day of March 2007

JUDGMENT

The learned Government Pleader has not been able to get instructions from the District Collector as to whether Ext.P3 has been received by him. Considering the urgency which is projected before me by Sri. Ashok.M.Cherian counsel for the 1st respondent Panchayath , I am inclined to dispose of the writ petition itself in the following terms:-

If the District Collector has already received Ext.P3, he will take up the same immediately, hear the petitioner and also the 1st respondent Panchayath and take a decision . In the meanwhile it is made clear that works if any, made by the 1st respondent Panchayath on the property in question will be without prejudice to the title and other rights which are claimed by the petitioner over the property. The question of title and entitlement for possession are left open to be decided in regular civil proceedings. To that extent the decision of the District Collector on Ext.P3 will be provisional.

PIUS.C.KURIAKOSE,JUDGE

es